

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the 19th day of August, 2003:

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<u>Present</u>	<u>Vote</u>
Thomas G. Shepperd, Jr., Vice Chairman	Yea
Walter C. Zaremba	Yea
Sheila S. Noll	Yea
Donald E. Wiggins	Yea
 <u>Absent</u>	
James S. Burgett, Chairman	

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On motion of Mrs. Noll, which carried 4:0, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A MAJOR EXPANSION OF AN ANIMAL SHELTER LOCATED AT 430 WALLER MILL ROAD (ROUTE 713)

WHEREAS, the City of Williamsburg and the Heritage Humane Society have submitted Application No. UP-620-03, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, which seeks to expand an animal shelter by constructing a 14,000 square foot building to replace an existing 2,720-square foot building on property located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4; and

WHEREAS, the proposed expansion exceeds 25% and therefore constitutes a major expansion of a legally conforming special use, pending the approval of Application No. ZM-75-03; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of August, 2003, that Application No. UP-620-03 be, and it hereby is, approved to authorize a major expansion of an animal shelter located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603), further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4 and more fully described and identified as follows:

Beginning at a point at the intersection of the southwest corner of the property belonging to the City of Williamsburg and the right-of-way of Route 713, thence traveling along said right-of-way in a southwest direction a distance of 100.01' to a point, thence N 45° 43' 43" W a distance of 371.33' to a point, thence N 39° 49' 58" E a distance of 438.33' to a point, thence S 61° 52' 01" E a distance of 327.52' to a point on said right-of-way of Route 713, thence along said right-of-way in a southwest direction a distance of 442.29' to the point of beginning, being all that property owned by the City of Williamsburg, GPIN# D16D-4258-0831, recorded in the Clerk's Office of York County in Deed Book 694 at page 232, and a portion of the property owned by the City of Williamsburg, GPIN# D17D-4411-0443.

BE IT FURTHER RESOLVED that approval of this application shall be subject to the following conditions:

1. This approval shall authorize the expansion of an animal shelter located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4. Said expansion shall consist of the construction of a new 14,000-square foot building with associated off-street parking to replace an existing 2,720-square foot building on the referenced property.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or construction activities on the site. Said site plan shall be in substantial conformance with the Conceptual Plan titled "Heritage Humane Society Animal Shelter," prepared by VHB, Inc. and dated April 1, 2003, except as modified herein. This shall not be construed to prohibit non-material and insignificant modifications, shifts in location, or slight changes in shape or configuration.

3. Except as necessary to (a) reconstruct the entrance to the site, (b) install an identification sign, and (c) open limited sight lines for the sign, no clearing shall occur within the required 20-foot front landscape yard along the street right-of-way for Waller Mill Road (in the area labeled “Undisturbed Woodland” on the reference conceptual plan). The landscape yard shall be left in an undisturbed natural state, shall be supplemented as necessary with additional plantings, consisting of a mix of deciduous and evergreen trees and shrubs, as depicted on the reference concept plan.
4. In accordance with Section 24.1-260(f) of the Zoning Ordinance, all outdoor lighting in excess of 3,000 initial lumens associated with the development shall be designed, installed, and maintained to prevent unreasonable or objectionable glare onto Waller Mill Road and adjacent properties and shall incorporate the use of full cut-off luminaires.
5. A minimum of 32 off-street parking spaces shall be provided as part of the first construction phase – consisting of approximately 11,000 square feet of gross floor area exclusive of the accessory Spayth Building – of the expansion. Prior to the commencement of the second construction phase, the applicant shall submit to the Zoning Administrator a site-specific parking study to determine if the 32 parking spaces will be sufficient to accommodate the anticipated parking demand associated with animal shelter at full development (i.e., 14,000 square feet of gross floor area exclusive of the accessory Spayth Building). Based on his review of the study, the Zoning Administrator shall determine if additional parking is needed and, if so, shall require additional spaces to be provided as a condition of approval for the second construction phase.
6. Development of the subject parcel shall be in accordance with the requirements of the Watershed Management and Protection Area overlay district contained in Section 24.1-376 of the Zoning Ordinance. Accordingly, the above-referenced site plan shall be accompanied by an impact study prepared in accordance with the requirements set forth in Section 24.1-376(f) of the Zoning Ordinance.
7. All animals shall be kept within a completely enclosed building in pens or other enclosures designed and maintained for secure confinement, provided, however, that the shelter may provide an outdoor “court hold area” for the sole purpose of keeping animals that are being held pending the outcome of a court case and require confinement in a secure facility separate from the other animals. Said “court hold area” shall be enclosed with fencing or walls and shall be located to the rear of the shelter in the general location depicted on the conceptual plan.
8. The new building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties or uses in the area.

9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

A Copy Teste:

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Mary Ellen Simmons  
Deputy Clerk